

APPENDIX 1D

**LETTERS FROM THE NOTICE OF
PREPARATION PROCESS**



CONTRA COSTA

02 NOV 14 PM 2:28

COMMUNITY

CONTRA COSTA

November 13, 2002

73 Belvedere Ave.
Richmond, CA 94801
Phone/Fax: 510-235-2835
Email: beyaert@earthlink.net

Ms. Deidra Dingman
Solid Waste Program Manager
Community Development Dept.
Contra Costa County Administration Building
651 Pine St., 4th Floor, North Wing
Martinez, CA 94553-0095

Dear Deidra,

TRAC, the Trails for Richmond Action Committee, has reviewed Contra Costa County's October 10 Notice of Preparation on the proposed amendment of the Land Use Permit for the Bulk Materials Processing Center at the West Contra Costa Sanitary Landfill. TRAC is very concerned that the County proposes to include the entire public access shoreline trail in the DEIR for the Bulk Material Processing project. This will unnecessarily delay completion of this important new Bay Trail segment, especially the planned opening this year of the Phase I trail located entirely within the City of Richmond.

A public access trail around the landfill has been required since 1992-1993 under terms of City and County permits **issued previously** to West Contra Costa Sanitary Landfill. Condition 21.5 of the current Landfill permit issued by Contra Costa County states "... **the City of Richmond will be lead agency and have specific approval over that portion of the public access within their jurisdiction**". A **defined trail route around the landfill was adopted by the City of Richmond in Figure 7 of its 1993 North Richmond Shoreline Specific Plan after full compliance with CEQA, including certification of a final EIR.**

A broad, diverse working group comprised of County and City representatives, ABAG, BCDC, Neighborhood House of North Richmond, Save The Bay, Sierra Club, TRAC, and others worked during 2000-2002 to develop the public access plan which Republic Services now desires to implement in good faith. This public access plan prohibits dogs on the public access trail -- thus exceeding the BIO-6 mitigation measure of the Specific Plan FEIR, which recommends only leashing of

dogs to minimize potential impacts on wildlife. The County should not unnecessarily delay implementation of this public access trail plan.

The community has been promised a shoreline public access trail around this landfill for ten years. Republic Services is prepared to start delivering on their commitments by opening the 1.8-mile Phase I trail on existing dike roads by the end of this year. It would be most unfortunate if Contra Costa County were to impede this long-awaited shoreline public access project when the private sector and public interest groups have worked so long and constructively to develop and implement a plan which has broad support.

TRAC recognizes that a portion (2/3 mile) of the 1.8-mile Phase I route recommended by the above working group runs on the outboard side of the runoff control pond, rather than the landfill side as shown in Figure 7 of the North Richmond Shoreline Specific Plan. However, the remainder of the four-mile trail follows the same alignment as in the Specific Plan. **CEQA Section 21166 states "When an environmental impact report has been prepared for a project, no subsequent or supplemental environmental impact report shall be required by the lead agency or any responsible agency, unless one or more of the following events occurs:**

- a. Substantial changes are proposed in the project, which will require major revisions of the environmental impact report.
- b. Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- c. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."

There is no "substantial evidence" (CEQA Guidelines Sections 15063 and 15384) that the 2/3-mile change in the four-mile trail route constitutes a "substantial change" "which will require major revisions of the environmental impact report" or that there is "new information, which was not known and could not have been known at the time the environmental impact report was certified as complete". Hence, a new DEIR may not be required for the public access trail, with the possible exception of Phase 4. TRAC recognizes that the Phase 4 trail may be included in the DEIR since there currently is no access to part of this outer dike, and new bridges would be required to provide access to a portion of the Phase 4 trail.

TRAC also would like to point out that CEQA does not apply to Ministerial projects (CEQA Section 21080 (b)(1) and Guidelines Section 15268). It appears that no discretionary government approvals may be required for Republic Services to proceed with the public access trail with the possible exception of Phase 4. If so, the trail project is exempt from CEQA and should not be included in the DEIR.

TRAC recommends adherence to the following principles if Phase 4 or any portion of the trail is included within the scope of the DEIR:

1. The DEIR should use objective, scientific data in its analysis of the potential effects of trail use on sensitive species, e.g.:

a. It should use only objective, validated observations demonstrating the current presence of sensitive species in the vicinity of the planned trail alignments

b. It should recognize that well-designed trails in the Bay Area operate in harmony with wildlife, e.g.

- preliminary results of the two-year Wildlife and Public Access Study by Trulio and Sokale conducted for ABAG found no general relationship between human use of trails and bird abundance or diversity in foraging habitats at three locations in the Bay Area;
- clapper rails are commonly observed within 50 to 80 feet of the Bay Trail between Marina Bay and Point Isabel in Richmond (I saw one Monday and have seen two together in the past.)
- avocets nest and raise fledglings near the Bay Trail between Marina Bay and the Albany mudflats in Richmond;
- oystercatchers raise fledglings within 30 feet of the Bay Trail in Marina Bay;
- clapper and black rails flourish in proximity to boardwalk trails in the Palo Alto Baylands as described in the October - December, 2002 issue of *Bay Nature*;
- clapper rail populations are increasing in EBRPD's Martin Luther King, Jr. Regional Shoreline in Oakland which has Bay Trail access for observation; and
- clapper rails nest within five feet of a trail in EBRPD's Elsie Roemer Marsh in Alameda.

2. Allegations of potential conflicts between trail users and wildlife must be supported by scientific evidence relevant to the species now present at the landfill and the type of trail use planned.

3. Where there is a potential adverse effect of trail use on sensitive wildlife, the DEIR should recommend trail design and management practices which have the potential to eliminate or minimize the potential adverse effect. The DEIR should not simply recommend elimination of the planned trail route.

Please let me know if you would like clarification of TRAC's comments. Thank you very much.

Sincerely,



Bruce Beyaert, TRAC Chair

cc: Supervisor John Gioia
Mr. Larry Burch
Mr. Barry Cromartie
Mr. David Lewis
Mr. Steve McAdam
Mr. Morty Prisament
Ms. Laura Thompson

**PUBLIC WORKS DEPARTMENT
CONTRA COSTA COUNTY**

DATE: November 18, 2002

TO: Deidra Dingman, Solid Waste Program Manager,
FROM: Al Schaal, Civil Engineer, Transportation Engineering
SUBJECT: Comments on the Notice of Preparation for the Proposed Amendment of Land Use Permit (LP# 022-26) for the Bulk Materials Processing Center at the West Contra Costa Sanitary Landfill.

We have reviewed the Notice of Preparation for the West Contra Costa Sanitary Landfill, and have the following comments:

- ✓ The proposed permit change will create a significant increase in the truck traffic volume. The environmental document should clearly address what routes the trucks will be using, and evaluate the level of service for intersections along the routes, for both existing and future conditions.
- ✓ The environmental document should address the impact the proposed land use permit will have on the North Richmond community and identify a system/process to keep the Landfill traffic from using residential streets.
- ✓ The Notice of Preparation indicates that a Barge Mooring Site is located on the property. The environmental document should indicate the level of the existing business done by barge, how much of the future waste will be barged in, and how much of the future product be barged out?
- ✓ The environmental document should address the impact the future truck traffic volume will have on the structural section of roads used as access to the landfill. The document should indicate whether the existing structural section is adequate to handle future truck traffic loads and possible mitigation measures if the loading exceeds the capacity of the current structural section.

AS:je
G:\GrpData\TransEng\EIR\West CC Landfill NOP Comments.doc

c: S Kowalewski, TE

DEPARTMENT OF FISH AND GAME

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-6500

CONTRA COSTA



November 14, 2002 02 NOV 18 PM 12:50

COMMUNITY
DEVELOPMENT

Ms. Deidra Dingman
Contra Costa County
Community Development Department
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553-1210
Fax (925) 335-1299

Dear Ms. Dingman:

Notice of Preparation (NOP)
Proposed Amendment of Land Use Permit (LP # 022026)
for the Bulk Materials Processing Center
West Contra Costa Sanitary Landfill, Contra Costa County

Department of Fish and Game (DFG) personnel have reviewed the subject NOP for the proposed amendment of the Sanitary Landfill Land Use Permit. The project area is adjacent to portions of San Pablo Creek and San Pablo Bay, which are known to, or may, provide important wildlife and wetland habitat areas for sensitive wildlife species, such as the salt marsh harvest mouse, salt marsh wandering shrew, California clapper rail, California black rail, San Pablo vole and other species vulnerable to disturbance, including migratory waterfowl and shorebirds. The project proposes changes to facilities and operations at the Sanitary Landfill in the Richmond area of Contra Costa County.

The document should describe all habitats in the project area potentially affected by the proposed project. An analysis of potential effects, including indirect impacts associated with public access trails, should be described in the document. DFG recommends that an analysis of habitat quality be performed, and surveys for sensitive species should be performed where the species may be affected by public access trails. Surveys should be conducted at the appropriate time of year. The DEIR should discuss the need for the proposed trail alignments and provide an analysis of the potential adverse impacts to sensitive species and habitats due to the construction of the segments of the community and Bay Trail systems.

Ms. Deidra Dingman
November 14, 2002
Page 2

Alternative trail alignments should also be considered as noted below. DFG recommends any permitted use avoid or minimize impacts to sensitive wildlife and maintain the quality of wildlife habitat in areas such as tidelands, wetlands, riparian corridors and adjacent upland areas.

For wetland areas and for streams, DFG recommends that a minimum 100-foot setback buffer be established measuring from the top of the stream bank or from the edge of the wetland vegetation or riparian canopy. Any construction activities should not be allowed within the buffer area to provide adequate protection of the resources and to minimize the need for future maintenance. We discourage the use of structures and rip-rap for erosion protection, and recommend that bioengineering approaches be used where structural modifications are needed. Any proposed landscaping should consist of native species. Trails should also be located outside of the edge of the riparian canopy or wetlands.

While DFG recognizes the need for trails to accommodate visitor access and to help promote the understanding and appreciation of natural resources, we have concerns about the locations of the proposed alignments adjacent to sensitive habitats. Recreational activities associated with trails in the project area, such as hiking, biking and wildlife viewing, can have significant impacts on the habitat quality and on species susceptible to disturbance. Trails may also facilitate unrestricted pedestrian access to habitats which may affect sensitive species, as well as species susceptible to human disturbance such as migratory waterfowl and shorebirds. Disturbances associated with trails may otherwise prevent such species from accessing refugia, and may increase vulnerability of some species to avian or terrestrial predation. It is important to maintain the quality of the tideland, wetland, riparian, and adjacent upland habitats for sensitive species near the site. The proximal effects of the presence of people and the associated potential effects on sensitive species are generally known to impact foraging behavior, and ultimately the reproductive success and overall health of the various species.

Ms. Deidra Dingman
November 14, 2002
Page 3

The document should sufficiently describe the cumulative impacts of a high level of public use that is expected with the proposed trails. Additionally, the document should address that fencing and other structural modifications and/or seasonal restrictions may not adequately minimize disturbance or other adverse effects on sensitive species. Poor or non-compliance with posted regulations intended to prevent or minimize disturbances to wildlife and common violations with respect to pet and leash laws, as well as trail users entering restricted areas, are an unfortunate reality that also needs to be considered in the document. Measures or restrictions to mitigate these effects should be included. We recommend impacts be avoided and minimized, as unavoidable impacts require added mitigation.

The document should include an alternative alignment for the segment of the Bay Trail on the existing road along the upland side of the hill, north of the runoff control ponds. DFG understands that the ponds are likely to be restored to marsh after the closure of the landfill, anticipated to reach capacity between October 2004 and May 2005. The trail alignment proposed in the NOP would bisect the existing marsh and the marsh likely restored in the future. Additionally, there are two trails proposed in close proximity on the northern portion of the site. The two proposed trails on the northern portion of the site are largely along a parallel alignment, approximately 200 feet apart. The northern-most trail is therefore redundant in providing access on this portion of the site. The more inland trail alignments would provide trail corridors with good bay vistas, located near the tidelands and wetlands, while conserving the values of the greater habitat area and would sustain habitat quality and integrity.

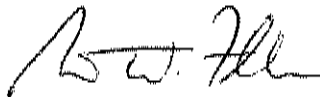
In summary, trails should only be located in less sensitive areas, with greater consideration for impacts associated with the proposed alignments immediately adjacent to disturbance-sensitive habitats. DFG recommends that an alternative southern trail alignment be located on the existing service road to the north of the runoff control ponds. Additionally, since the two trails proposed

Ms. Deidra Dingman
November 14, 2002
Page 4

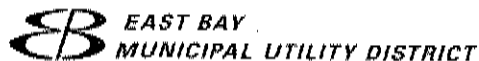
on the northern portion of the site are largely along a parallel alignment, DFG recommends that the northern trail be limited to the more upland alignment only, and that the trail proposed along San Pablo Bay be eliminated. The more inland alignments are preferred by DFG because they would avoid or greatly reduce potential impacts and would have less cumulative impacts on sensitive species.

We appreciate your consideration of our comments. Our personnel are available to address these concerns in greater detail. Please contact Mr. John Krause, Associate Wildlife Biologist, at (415) 454-8050; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. W. Floerke". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

Robert W. Floerke
Regional Manager
Central Coast Region



CONTRA COSTA

02 NOV 20 PM 5:13

COMMUNITY
DEVELOPMENT

November 22, 2002

Ms. Deidra Dingman, Solid Waste Program Manager
Contra Costa County
Community Development Department
651 Pine Street
4th Floor, North Wing
Martinez, CA 94553-0095

Dear Ms. Dingman:

Re: Notice of Preparation of a Draft Environmental Impact Report – Bulk Materials
Processing Center - West Contra Costa Sanitary Landfill LP# 022026

East Bay Municipal Utility District (District) appreciates this opportunity to respond to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Proposed Amendment of Land Use Permit for the Bulk Materials Processing Center at the West Contra Costa Sanitary Landfill (WCCSL). The District has the following comments regarding water service and water recycling.

WATER SERVICE

The proposed project is located within the District's Central Pressure Zone, which serves elevations from 0-100 feet. The WCCSL currently has water service and the Initial Study states that the existing water system is adequate to supply proposed operations. Should additional water service be required for the subject project, the project sponsor should contact the District's New Business Office for questions regarding the cost and conditions for providing additional water service. Due to the District's limited water supply, all customers should plan for shortages in time of drought.

The District will not install pipelines or services in contaminated soil that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction or maintenance personnel wearing Level D personal protective equipment. The District will require a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary system for the removal, treatment, and disposal of all identified soil and/or water contaminants. The District will not install pipelines or services until remediation has been carried out.

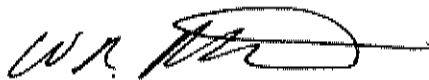
WATER RECYCLING

In the spring of 2001, the District entered into an Agreement with the City of Richmond and West County Wastewater District (WCWD) to divert Class II leachate to the City of Richmond's wastewater treatment plant, thereby bypassing the WCWD wastewater treatment plant. This diversion is necessary to prevent excess chlorides from the Class II leachate from entering the WCWD wastewater treatment Plant, which is the source of recycled water for the District's North Richmond Water Recycling Plant (NRWRP). The concentration of chlorides in the WCWD wastewater treatment plant effluent is of particular concern to the District because elevated chloride levels can cause the shutdown of the NRWRP, which provides recycled water to the Chevron Refinery for use in their cooling towers. The District is currently designing the diversion pipeline to divert Class II leachate to the City of Richmond's wastewater treatment plant, and the projected in-service date of the diversion pipeline is October 2003.

The proposed increase in height to the landfill may impact the volume and concentration of the leachate sent offsite. In preparation of the Draft EIR, the impacts of the proposed project to the quantities of leachate discharged from the site should be analyzed. Provisions should be included in the final project to ensure that the volume and concentration of the leachate that had previously been anticipated are not exceeded, and that the quantity of leachate discharged from the project does not exceed what the WCWD's wastewater treatment plant and the City of Richmond's wastewater treatment plant can handle to ensure their compliance with the terms and conditions of the aforementioned Agreement among the District, the WCWD, and the City of Richmond.

If you have any questions or comments concerning this response, please contact Marie A. Valmores at (510) 287-1084.

Sincerely,



WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning Division

WRK:OAH:sb
sb02_385.doc

1600 Broadway, Suite 300
Oakland, CA 94612-2100

t. 510.452.9261
f. 510.452.9266

www.savesfbay.org

CONTRA COSTA

02 NOV 14 PM 2:28

COMMUNITY
DEVELOPMENT

November 14, 2002

Ms. Deidra Dingman
Solid Waste Program Manager
Community Development Dept.
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553-0095

Dear Ms. Dingman,

It has recently been brought to our attention that the County's proposed amendment of the land use permit to West Contra Costa Sanitary Landfill has the potential to delay construction of a segment of the Bay Trail around the landfill. Construction of the trail segment would be delayed if the entire public access shoreline trail is included in the upcoming DEIR for the Bulk Material Processing project at the landfill.

The public access trail around the landfill has been required since 1992-93 under previously issued City and County permits. Condition 21.5 of the current permit issued by the County cites the City of Richmond as the lead agency having specific approval over the portion of the public access within their jurisdiction; the City of Richmond incorporated the defined trail route around the landfill in its 1993 North Richmond Shoreline Specific Plan.

According to CEQA Guidelines (Sect. 21166) only a "substantial change" in the trail alignment "which would require major revisions of the environmental impact report" or "new information, which was not known..." at the time the EIR was certified as complete. We are not aware of any such change or new information that would apply to the Phase I segment of the public access trail around the landfill.

Private and public groups have worked for a decade to secure a public access trail around this landfill. Plans to open a 1.8-mile section of the trail on existing roads are to be completed by the end of this year. Save The Bay urges you to exclude Phases 1, 2, and 3 of the four-mile trail route from the DEIR and thus allow the scheduled completion of this Bay Trail segment.

Sincerely,


David Lewis
Executive Director

Cc: Supervisor John Gioia
Mr. Bruce Beyaert
Mr. Morty Prisament
Mr. Barry Cromartie
Mr. Steve McAdam
Ms. Laura Thompson





CONTRA COSTA

02 NOV 25 PM 3:53

COMMUNITY
ATTACHMENT 1111

November 21, 2002

Ms. Deidra Dingman
Solid Waste Program Manager
Community Development Department
Contra Costa County
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553-0095

**Subject: Notice of Preparation (NOP) for the West Contra Costa Sanitary Landfill
Environmental Impact Report (EIR)**

Dear Deidra:

Thank you for the opportunity to submit comments on behalf of the San Francisco Bay Trail Project on the Notice of Preparation for the West Contra Costa Sanitary Landfill's Bulk Materials Processing Center land use permit amendment. The NOP was received in our office on October 21, 2002 and we provided verbal comments at the November 1, 2002 EIR scoping meeting.

The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that coordinates implementation of the Bay Trail. When complete, the Bay Trail will be a continuous 400-mile network of bicycling and hiking paths that will encircle San Francisco and San Pablo bays in their entirety. It will link the shoreline of all nine Bay Area counties, passing through 47 cities, and will cross seven of the eight toll bridges in the region. To date, 230 miles of the proposed system have been developed.

A Bay Trail spur is planned to extend around the perimeter of the West County Sanitary Landfill in Richmond. The Bay Trail Project has participated in a multi-year effort to develop a public access plan for the trail alignment. The plan separates the trail into four phases, based on timing for closure of sections of the landfill.

We enthusiastically support efforts by the City, County and Republic Services to provide public access around the landfill. A perimeter trail alignment was analyzed in the North Richmond Shoreline Specific Plan EIR, but the Bay Trail Project recognizes that the Phase I segment was not reviewed in that document.

Administered by the Association of Bay Area Governments
P.O. Box 2050 • Oakland California 94604-2050
Joseph P. Barr MetroCenter • 101 Eighth Street • Oakland California 94607-4756
Phone: 510-466-7935
Fax: 510-466-7870

When developing the EIR and the potential impacts of a perimeter trail, we encourage analysis that includes the following issues:

- consideration of both the Phase I trail alignment along the outer edge of the runoff control pond and the trail alignment along the inner edge of the pond;
- evaluation of potential impacts based on biological observations and assessments conducted in the vicinity of the planned trail alignments;
- recognition that the public access plan for the landfill recommends no dogs;
- acknowledgment that numerous well-designed segments of the Bay Trail exist adjacent to marshlands that flourish with wildlife;
- consideration that the levees are part of a working waterfront with heavy machinery and truck operations within close proximity to marshlands;
- if a potential adverse impact on sensitive species is identified, consideration of design and management practices that will minimize the potential adverse effect rather than elimination of the planned trail route.

In closing, I offer you our support and assistance in implementing this Bay Trail alignment in North Richmond. The Bay Trail is a unique regional resource that will provide residents of Richmond and the entire Bay Area with increased access to the outdoors and the shoreline, inexpensive recreation, exercise and sightseeing opportunities. Please call me at (510) 464-7909 if you would like to discuss further the comments in this letter.

Sincerely,



Laura Thompson
Bay Trail Planner

cc: Bruce Beyaert, TRAC
Morty Prisament, City of Richmond



recyclemore
WEST CONTRA COSTA INTEGRATED
WASTE MANAGEMENT AUTHORITY

October 29, 2002

Deidra Dingman
Solid Waste Program Manager
Contra Costa County Community Development Department
651 Pine Street 4th Floor, North Wing
Martinez, CA 94553-0095

SUBJECT: Response to E.I.R. Notice of Preparation

Dear Ms. Dingman:

This letter responds to the Notice of Preparation, dated October 10, 2002 issued by the Contra Costa County Community Development Department regarding the Draft E.I.R. to be prepared for W.C.C.S.L. Inc's proposed amendment of Land Use Permit #022026.

As you know, Contra Costa County and the Authority have worked closely for many years addressing solid waste issues in West County. However to formally respond to the N.O.P. the Authority would like to be put on record as being an interested party in the development of the subject E.I.R. We have been notified of the County's initial "scoping meeting" for this project to be held on November 1 and plan on attending.

The scope and content of environmental information germane to the Authority which we would like to see addressed in the E.I.R. includes:

1. The need to divert materials delivered to the proposed facilities that originate from the Authority's service area. The Authority and its Member Cities are responsible for meeting the State of California's "AB 939" waste diversion goals, and it is necessary that aggressive waste reduction measures be implemented on self-haul delivered wastes.
2. Consideration of how the proposed project will mesh with the existing Integrated Resource Recovery Facility. These concerns are largely outlined in the Authority's April 11, 2002 letter (copy attached) to your office.

We expect that these issues will be explored in the EIR and welcome the opportunity to work with the County and its consultants on this project. As always, if you have questions regarding this or any other matter please contact me at (510) 215-3127.

Sincerely,



Steve Devine
Executive Director

Attachment: 1. April 11, 2002 letter from Joseph Gomes.

CONTRA COSTA

02 NOV -4 PM 12:03

COMMUNITY
DEVELOPMENT DEPT

RECEIVED: THE CHIEF OF CLERK'S OFFICE



~~STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY~~~~GRAY DAVIS, Governor~~**DEPARTMENT OF TRANSPORTATION**

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
(510) 286-4454 TDD

02 NOV 12 PM 9:12



*Flex your power!
Be energy efficient!*

November 6, 2002

CC-580-4.64
CC580137
SCH 200202057

Ms. Diedra Dingman
Contra Costa County
651 Pine Street, North Wing
Martinez, CA 94553-0095

Dear Ms. Dingman:

Proposed Amendment of Land Use Permit (LP# 022026) for the Bulk Materials Processing Center, West Contra Costa Sanitary Landfill - Notice of Preparation (NOP)

Thank you for including the California Department of Transportation in the environmental review process for the proposed project. We have examined the Notice of Preparation and have the following comments to offer:

Our primary concern with the project is the potentially significant impact it may have to traffic volumes and congestion. In order to adequately address our concerns regarding the operation of Interstates 80 and 580 we recommend a traffic impact analysis be prepared. In addition we would request that the study include the following interchanges and ramps. This being a project that produces a high percentage of truck trips we request that the study include truck percentages and assignments.

- Interstate 80 / Richmond Parkway (post mile 6.60)
- Interstate 580 / Canal Boulevard (post mile 4.64)

D. Dingman
November 6, 2002
Page 2

The traffic impact analysis should include, but not be limited to the following:

1. Information on the project's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed.
2. Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets and highways, including crossroads and controlling intersections.
3. Schematic illustration of the traffic conditions for: 1) existing, 2) existing plus project, and 3) cumulative for the intersections in the project area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State Highway facilities being evaluated.
5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We recommend you utilize Caltrans' *"Guide for the Preparation of Traffic Impact Studies"* which can be accessed from the following webpage:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

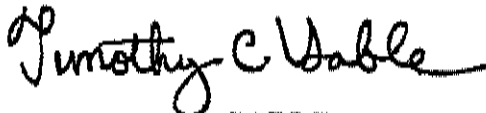
We look forward to reviewing the DEIR for this project. We do expect to receive a copy from the State Clearinghouse, but in order to expedite our review; you may send four (hard or digital) copies in advance to:

Tom Holley
Office of Transportation Planning B
Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

D. Dingman
November 6, 2002
Page 3

Should you require further information or have any questions regarding this letter, please call Tom Holley, of my staff at (510) 622-8706.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Gregoria Garcia (State Clearinghouse)



California Integrated Waste Management Board

Linda Moulton-Patterson, Chair

1001 I Street • Sacramento, California 95814 • (916) 341-6000

Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025

www.ciwmb.ca.gov

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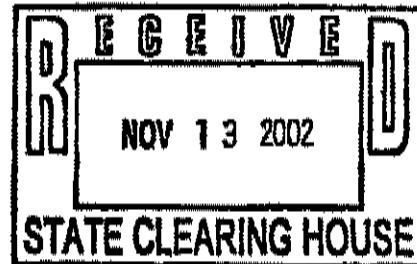


Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

November 12, 2002

Ms. Deidra Dingman
Contra Costa County
651 Pine Street, 4th Floor, North Wing
Martinez, California 94553-0095



Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Bulk Materials Processing Center (BMPC) located at the West Contra Costa Sanitary Landfill (WCCSLF)(SWIS No. 07-AA-0001), Contra Costa County

Dear Ms. Dingman:

The California Integrated Waste Management Board (CIWMB) Environmental Review (ER) staff has reviewed the environmental document cited above. The following is a overview of the CIWMB role in the California Environmental Quality Act (CEQA) process, the project description for the proposed project, and the ER staff analysis and recommendations for the proposed project based on ER staff's understanding of the project, as described in the above document(s).

CIWMB Environmental Review Staff CEQA Review

The CIWMB is a responsible agency for the environmental review of this proposed project, and for concurrence in a Solid Waste Facility Permit (SWFP). The CIWMB operates in cooperation with local government to assure protection of public health, safety, and the environment from the potentially detrimental effects of improper solid waste management. The CIWMB concurs in the issuance, or revision, of SWFPs issued by local enforcement agencies (LEAs) to assure that a solid waste facility operates in a manner consistent with all applicable laws and regulations.

ER staff reviews, and comments on environmental documents, to assist lead agencies in developing environmental documents that will be complete for use in the CEQA process by the lead agency, and all responsible agencies. ER staff comments are to assist decision-makers in

California Environmental Protection Agency

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <http://www.ciwmb.ca.gov/>.

identifying potential impacts from proposed projects; determine whether any such impacts are significant; and ascertain whether significant impacts can be mitigated to a level of insignificance in compliance with the CEQA statutes and regulations.

When performing the initial review of an environmental document during the circulation process, ER staff must analyze and evaluate whether the proposed environmental document clearly describes all phases of the project, and assess all potential primary and secondary impacts to public health, safety, and the environment that could occur by the implementation of the project. In order for ER staff to properly evaluate, and recommend, whether an environmental document is adequate for use in the permitting process, the proposed project must be described in sufficient detail for the ER staff to understand and evaluate the proposed project, the potential environmental impacts, proposed mitigation measures, and findings as presented by the lead agency.

When the proposed SWFP, along with the citation of evidence of CEQA compliance by the LEA, is received by the CIWMB, a second analysis performed by ER staff is done to evaluate whether the CEQA evaluation in the cited environmental document, supports the requested specifications and conditions of the SWFP. The environmental document must clearly describe and assess all potential impacts that can be associated with the proposed project. The SWFP concurrence process is greatly facilitated when this type of information is included, and thoroughly addressed in the environmental document.

After comparison and analysis of the cited CEQA document, with the proposed SWFP, ER staff makes a recommendation to the CIWMB regarding the adequacy of the CEQA document for SWFP concurrence purposes. The Board members make the final determination of the adequacy of the CEQA document for SWFP concurrence, as well as whether or not to concur in issuance of the SWFP.

NOP Project Description

CIWMB ER staff has reviewed the NOP, which consists of an Initial Study (IS) and a Land Use Permit Application Executive Summary (LUPA), and submits the following project description for the proposed project based on these documents. If this project description varies substantially from the project as understood by the lead agency, ER staff request that the lead agency notify ER staff of any significant differences prior to preparation of the DEIR.

The Contra Costa County Community Development Department, acting as lead agency, has prepared and circulated a NOP in order to comply with CEQA, and to provide information to, and solicit consultation with responsible agencies in the approval of the proposed project.

WCCSLF, Inc., operates a Class II sanitary landfill located at the foot of Parr Boulevard, City of Richmond. The site encompasses land in both the City of Richmond and Contra Costa County. The City/County boundaries pass west to east through the WCCSLF site. The WCCSLF site has been in operation since 1953.

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Currently the site consists of several distinct operations that function as a cohesive whole. These operations include:

- Solid Waste Disposal in a Class II Sanitary Landfill
- Waste Shuttle Facility
- Bulk Materials Processing Center (BMPC) comprised of:
 - Wood Recycling Facility
 - Composting Facility
 - Asphalt/Concrete Crushing Facility
- Hazardous Waste Management Facility (Closure Plan in progress)
- Hazardous Waste Management Facility Leachate Treatment Plant
- Barge Mooring Area (not in operation at this time)

WCCSLF is currently permitted to receive up to a maximum of 2,500 tons per day of municipal solid wastes (MSW) from various jurisdictions in the San Francisco Bay Area. Wastes are delivered in large transfer trucks, garbage trucks, pickups, and passenger cars.

Proposed project design and operational changes as defined in the NOP are as follows:

Bulk Materials Processing Center (BMPC)

Changes to the existing BMPC include an increase in the hours of operations for the transporting of materials from 7:00 am – 5:00 pm seven days a week, to 24 hours per day, seven days a week. Additional changes are proposed at the following BMPC operations/facilities:

- Compost Facility Operations

Expand the volume of compostable materials and mulch to be processed, change composting permit to allow mixed wastes, bio-solids, and agricultural wastes. Proposed permitted quantities would increase from 11,600 cubic yards (cy) of materials undergoing composting onsite at one time to: 150,000 cy or 56,000 tons of materials undergoing composting; 32,000 cy or 12,800 tons of unscreened compost in storage; 64,000 cy or 25,600 tons of finished screened compost product in storage; 164,000 tons of compostable materials processed per year.

- Concrete Processing and Asphalt Crushing Facilities

Relocate both facilities to the west end of the central plateau of the WCCSLF site. Increase in the maximum amount of concrete and asphalt rubble materials: 110,000 cy or 175,000 tons of unprocessed broken concrete or asphalt rubble in storage; 60,000 cy or 95,000 tons of crushed concrete and asphalt products in storage; 525,000 tons of concrete and asphalt processed per year. Change in hours-of-operation for concrete processing equipment from 7:00 am to 5:00 pm, Monday through Saturday, to 5:00 am to Midnight (proposed days of operation are not specified).

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- Wood Recovery Facility

Increase in volume of wood wastes to be processed to 10,000 cy or 25,000 tons of unprocessed wood waste in storage; 55,000 cy or 22,000 tons of shredded wood and mulch products in storage; 13,000 tons or 330,000 cy of wood wastes processed per year. Change in hours of operation for chipping and grinding of wood from 7:00 am to 5:00 pm, seven days a week, to 5:00 am to midnight (proposed days of operation are not specified).

Waste Recycling Center (WRC)

Construct and operate a WRC. The proposed location of the facility is in the current Soil Remediation building, or one of two "alternative" sites. The WRC will recycle, sort, and transfer for disposal, waste material from: self-haulers, industrial debris boxes, and other commercial customers that are not processed at the existing West County Resource Recovery, Inc., Richmond. Proposed hours/days of operation are 24 hours a day, seven days a week. Proposed permitted quantities are: 1,000 tons of mixed wastes temporarily stored on site; 1,600 cy of recycled materials in storage (cardboard, wood, metals, glass, plastic); 360,000 tons of mixed wastes handled per year.

Soil Remediation Facility

Discontinue operation of the Soil Remediation Facility.

Wet Waste/Dusty Material Processing Facility

Establish a wet waste/dusty material processing operation. Proposed permitted quantities: 5000 tons and 10,000 gallons of unprocessed materials in storage, 20,000 tons and 1.5 million gallons of materials processed per year, 25,000 tons of dry wastes processed annually.

Soil Reclamation Facility

Establishment of a soil reclamation/processing operation involving the drying of high moisture content dredged materials and biosolids; screening of waste soils; and mixing of wet-wastes and dusty materials with soil to create products that are suitable for alternative daily cover (ADC), final cover, final cap or off-site use. Proposed permitted quantities: 20,000 tons of material waiting for processing in storage; 6,500 tons of processed material in storage; processing of up to 195,000 tons of material annually.

Equipment Maintenance Operating Hours

Increase in hours for equipment maintenance from 7:00 am to 6:00 pm, Monday through Saturday, to 5:00 am to 10:00 pm (proposed days of operation are not specified).

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WCCSLF (Landfill) Operations

Increase in the permitted height of the landfill from 120 feet above mean-sea-level (MSL) to 167 feet above MSL. The 37-foot increase in the height of the landfill will include 30 feet of waste, and 7 feet of cap material. Increase the site-life of the landfill by approximately six months, due to the vertical expansion.

Public Access Trail

Development of a Public Access Trail around the perimeter of the landfill property that will include upgrading and protecting the landfill's environmental control system (pumps and wells — NOP does not specify type/use), and building fences to restrict unauthorized access to off-limit areas of the property.

CIWMB ER Staff Comments

As a responsible agency for SWFP concurrence, CIWMB staff will conduct an environmental analysis for this project, using the DEIR developed by the lead agency, in accordance with CEQA Guidelines Title 14 CCR, §15096. The DEIR should address all the requirements for the contents of Environmental Impact Reports listed in Title 14 CCR, §§15120 – 15132. Required for the proposed project will be new SWFPs for the BMPC and the WRC, and a revised SWFP for the WCCSLF expansion.

CIWMB ER staff requests that the lead agency consider and address the following comments in the DEIR for ER staff review of the DEIR for SWFP concurrence purposes. If any of these questions have been addressed in an existing document (e.g. Report of Facility Information, Closure Plans, or previous Environmental documents), please indicate by reference the document, page number(s) and section(s), and provide copies to the State Clearinghouse and the CIWMB along with the prepared DEIR. The lead agency should consider and describe in the DEIR, the design and operational features and/or proposed changes that are germane to information required for SWFPs.

Facility Checklists

The following outlines were developed by CIWMB staff as guides to lead agencies in the preparation of CEQA documentation, and to responsible agencies for their review of documentation for the construction and/or operation of a solid waste facility requiring a full solid waste facility permit (SWFP). These checklists and other information helpful in determination of requirements for a SWFP, and information required for any environmental documents prepared for this proposed project, are also available on our website

<http://www.ciwmb.ca.gov/PermitToolbox/CheckItems/CEQA/Default.htm#Guidelines>

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Potentially Significant Environmental Impacts

The NOP has identified potentially significant project related impacts in the areas of Ground Water Quality; regional and localized Air Quality; regional and localized Traffic; Biological Resources; Geology and Soils; Transportation; Utility and Service Systems; localized Noise; Hazardous Materials, and Health and Safety. The DEIR should describe what provisions in the design or operations of the facility will be in place to prevent project related impacts such as, but not limited to, litter, odor, dust, noise, glare, vectors, vehicle queuing on and off site, drainage, and health and safety.

Most potentially significant project related impacts might be reduced to less than significant levels by project features and designs and/or mitigation measures. It may be that one or more potentially significant environmental impacts cannot be avoided if the project, as proposed in this NOP is implemented.

Traffic and Related Transportation System Impacts

Traffic volumes (the proposed projects separate and total daily vehicle counts) should be projected over a minimum of five years for the project at peak tonnages considering both short haul, and possible long haul aspects of the project proposals. Discuss the cumulative effect of traffic for all of the projects proposed for analysis in the DEIR including the addition of public vehicles to and from the proposed public access trail area. For consideration in the issuance of a SWFP, peak daily tonnages, and vehicle-counts for all proposed projects must be analyzed *separately* for each facility. The DEIR must also discuss and address in detail all on-site traffic circulation for all proposed facilities.

A traffic study will be necessary to determine whether the existing infrastructure is sufficient to handle the projected vehicular movement for all proposed activities/projects, as well as whether improvements may be necessary to accommodate increased traffic. This may include the installation and/or repair of, and maintenance of, existing roads, additional lighting and traffic signals, turn lanes, and pedestrian walkways; as well as cumulative impacts on the circulation within the landfill vicinity (i.e. ingress and egress). The regional district of California Department of Transportation (Cal Trans) should be contacted regarding potential issues related to an increase in traffic volumes around the WCCSLF

Noise

Activities associated with vehicular transport of waste materials and the use of heavy equipment (e.g. large vehicles, rock crusher, tub grinder, trommel screen, etc.) to process materials may result in significant on-site and off-site noise levels. A noise study should be performed if local receptors are impacted, and should be included in the DEIR along with the distance to all nearby sensitive receptors. Appropriate noise-attenuating mitigation measures, which can be implemented to reduce noise levels, should be incorporated into the DEIR. Short term and cumulative impacts should be assessed as well as operations related noise.

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Air Quality

Local and regional impacts on air quality from vehicles, trucks, and equipment emission sources accessing the facility should be analyzed in detail, including emissions from equipment handling waste materials and potential dust generation during operations at the WCCSLF. Dust particulates (PM₁₀) and ozone precursors may be of particular concern if the regional air basin is 'non-attainment' for PM₁₀ and ozone precursors. If the proposed projects are located within a 'non-attainment' air basin, cumulative impacts affecting the projected federal 'attainment' dates may be significant and unavoidable.

The distance to the nearest residential and/or commercial receptors should be identified in the DEIR. Mitigation measures, which will be employed to address impacts for the proposed facility, should be incorporated into the DEIR with a description of an attainment plan for the air basin(s) air quality. The local Air Pollution Control District should be contacted regarding air pollution discharge permits, which may be required to ensure compliance with ambient air quality standards.

Odors from composting, and from the processing of bio-solids at the Soil Reclamation Facility, may create potentially significant odor problems. If the proposal for the composting facility is for open aerated static pile, or windrow composting methods, there could be substantial odor problems from putrescible wastes. The DEIR should describe in detail measures that will be taken to mitigate the potential for odor generation at all proposed facilities.

Surface Drainage

The DEIR should include a drainage plan, which identifies the paved and exposed surfaces where the projects' proposed operations may take place. The plan should identify surface water runoff, including, but not limited to the bay, creeks, rivers, and/or diversion channels in areas adjacent to the project area. The DEIR should include maps drawn to scale showing in detail the location of all diversion berm(s) that will redirect flow away from/around the proposed facilities, and any drainage basins to keep drainage on-site. Will the proposed facilities be able to handle a 100-year, 24-hour storm event? Which materials being processed and/or stored may possibly be exposed to storm water? ER staff recommends that the Regional Water Quality Control Board (RWQCB) be contacted to determine if a Report of Waste Discharge (ROWD) or a National Pollution Discharge Elimination System (NPDES) permit is required for the proposed facility.

Days and Hours of Operation

Please discuss in the DEIR how the facility proposes to handle the increase in days and hours of operation for the proposed project. This includes how the facility will manage the proposed increase of traffic into and out of the facility from self-haul vehicles, and commercial waste vehicles on-site for all proposed operations. The DEIR should include how the self-haul vehicles will be kept separate from commercial vehicles and how the

increase of the on-site volume of traffic be controlled. If increases in days and hours of operation are proposed, then the DEIR should discuss the related environmental impacts such as noise, dust odor, and glare (night lighting), etc.

Locations of Proposed Facilities and Structures

The DEIR should describe in detail where the exact location for each proposed facility will be, and which proposed facilities and/or structures would be located on, or immediately adjacent to the fill areas of the landfill. If a facility and/or structure will be located on or near buried landfill refuse, the DEIR must describe what provisions will be required to assure that there will be no impacts associated with the migration of landfill gas (LFG). This should include what provisions will be required in the design and operation of the proposed project's to prevent LFG from accumulating within the facility's structure(s). Please refer to Title 27, CCR, §21190, "Post-closure Land Use", and Title 14, CCR §17406.1, "Siting and Design" that may apply to the proposed project.

For technical assistance, you may contact Michael Wochnick of the Remediation, Closure, and Technical Services Branch via telephone: (916) 341-6319, or e-mail: mwochnick@ciwmb.ca.gov

Material Storage

The DEIR should include detailed descriptions of exactly how much of each type of material is proposed for storage at the facility for each of the proposed operations, as well as maps to scale showing exactly where these materials will be located on site. The DEIR should also include descriptions of the exact size of each proposed storage area, the exact location of each proposed storage area, and which proposed operations and storage areas are to be covered.

Acreage and Design Capacity

The DEIR should describe in detail:

- The acreage for each of the proposed projects,
- The total area (e.g. size of the tipping areas) and location for each of the proposed facilities,
- Total acreage and location for any stored materials and/or equipment,
- Maximum design capacity (in tons) for the proposed hours of operation for each facility,
- The number and size of each of the proposed buildings and,
- How much operational area will be covered or not covered, and paved or not paved.
- The location of each project, in relationship to each other.

Vertical Expansion of the Landfill

The DEIR should describe in detail the plan for the proposed vertical expansion of the existing landfill. The DEIR should address issues such as, but not inclusive to, which

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areas of the vertical expansion will be located directly over buried refuse that does not have the benefit of a composite liner system and/or a leachate collection and removal system (LCRS), and, how the additional overburden of waste materials will affect the LCRS's ability to manage leachate.

The DEIR should provide information that reflects the current and planned contours for the proposed vertical expansion. ER staff must have current information prior to being able to determine slope stability and the potential for slope failure.

The DEIR should also include analysis and consideration of overburden pressures if the increase in landfill elevation will be over in-place waste/fill areas. This should include whether the field capacity of the existing waste will be decreased to the point where leachate generation is affected (especially in unlined portions of the landfill), and if in-place structures such as gas collection and monitoring systems, are designed to withstand the extra weight on the vertical expansion.

Maps

The NOP for the DEIR contained photocopies of unfolded maps that ER staff could not view during their review of the proposed project. Please ensure that the DEIR contains maps that reflect the requirements of Title 14 CCR §15124(a) that states, "The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map."

Land Use Compatibility

The DEIR should identify the surrounding land use of the proposed BMPC, with a description of the density of the occupancy for commercial and residential areas. The DEIR should be specific regarding the distance to the nearest sensitive receptor(s).

The project's surrounding land use must be designated as compatible with the proposed and current land uses at the project sites. The local government(s), in whose jurisdiction the facilities will be located, must make a finding that the facility is consistent with the General Plan, Public Resources Code (PRC) §50000, and is identified in the most recent County Integrated/Solid Waste Management Plan, PRC §50001.

Landfill and Alternate Daily Cover (ADC)

Please refer to Title 27 CCR §§20670 through 20705. Daily and Intermediate Cover which states in part that the DEIR should indicate the amount, type, source, and proposed use of landfill cover (daily, intermediate, and final) used and stockpiled on site. The DEIR should indicate the source, location, and size of cover stockpiles that will be stored on the landfill site. The DEIR should also discuss the potential effects to landfill operations that the cover stockpile may have on landfill commercial and self-haul traffic, as well as landfill phasing and grading operations. Potential impacts (aesthetics, dust, erosion, traffic, etc.) that might result from the excavation, transportation, handling, and storage of this material should also be included in the DEIR. Please discuss in particular

detail the anticipated transportation impacts related to the cover material importation to the site.

Please note that any materials used at a landfill for ADC must first be approved by the enforcement agency (EA) and may require concurrence by the CIWMB.

Title 27 CCR §20690 (a)(1)– Alternative Daily Cover states:

“Alternative materials of alternative thickness for daily cover (other than at least six inches of earthen material) for municipal solid waste landfill units, may be approved by the EA with concurrence by the CIWMB if the owner or operator demonstrates that the alternative material and thickness controls vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.”

The DEIR should include detailed descriptions of exactly how much of each type of ADC material will be stockpiled and stored at the facility, as well as maps to scale showing exactly where the ADC material will be located on site.

Please refer to Title 27 CCR §20690(b)(4), which states:

(A) Public contact with sludge or sludge-derived materials, either alone or blended with soil, ash, processed green material, or stabilization agents such as lime, lime kiln dust, or cement kiln dust, shall be prohibited. This prohibition shall apply to staging, processing, tipping, and cover placement areas.

(B) Sludge or sludge-derived materials, either alone or blended with soil, processed green material, ash, or stabilization agents such as lime, lime kiln dust, or cement kiln dust, shall form a compacted material which can be placed without forming open voids or causing material to be tracked off the working face area.

If sludge will be used on slopes near the proposed Public Access Trail, the DEIR should describe what measure will be implemented in order to protect the public from wind borne particulate and possible pathogen levels from the sludge if used in this area. In addition, the DEIR must describe what measures will be implemented to reduce odors from the use of sludge near the Public Access Trail to a less than significant level.

Proposed ADC Regulations

The project applicant and the lead agency should be aware that the CIWMB is in the process of revising the regulations that control the use of alternative daily cover (ADC) materials at solid waste landfills and the reporting of that use. Affected Code Sections will be Title 27, CCR, §§20680 through 27000; and Title 14, CCR §§Sections 18808-18810, 18812, and 18813.

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At its October 7, 2002 meeting, the Permitting and Enforcement Committee directed staff to begin a 45-day public comment period. Staff is currently preparing the regulation package for noticing. The revised regulations should become effective within the next year. ERS staff recommends that the lead agency review the draft proposed regulations, and track their progress as this project is developed. The proposed regulations are located on our website at: <http://www.ciwmb.ca.gov/Rulemaking/ADC/>

Site Capacity and Site Life Estimates

The DEIR should include complete descriptions of the revised site capacity, and site life estimates, due to the proposed increase height of the landfill along with increases in daily disposal tonnages, and compare them with the site capacity and site life estimates anticipated under current permit conditions. The DEIR should also include what the existing and proposed maximum elevations, final slopes, and cross-sectional differences will be, what conversion factor is in converting cubic yards to tons, and what is the proposed cover to waste ratio. The existing permit also lists the estimated closure date of the facility as 1998. This will need to be updated/revised to reflect the proposed changes.

Please note that ER staff will be routing a copy of the DEIR to the CIWMB Closure and Remediation Branch for their review and comment relative to the site's closure plan.

Hazardous Materials

Hazardous materials can be inadvertently placed in the non-hazardous waste stream. Items such as batteries, electronics, pesticides, and oil containers are commonly placed in the waste stream. Please describe what provisions will be implemented, such as load checking and storage areas, as well as emergency plans to address hazardous waste found in the waste-stream at the proposed facilities.

Earthquake Faulting and Seismic Stress

Identify in the DEIR any known earthquake faults in the vicinity of the proposed facility and the frequency of seismic activity as well as a range of most probable earthquake (MPE) magnitudes and maximum ground acceleration (MGA). Please include a map of historic epicenters within a radius of ten miles of the facility. Describe how the structures for the proposed project will stand up to the MPE and MGA considering that the facility may be located over buried landfill refuse. The DEIR should also include configurations that may incorporate the greatest structural landfill integrity (i.e. side slope stability) at the facility. Please include a discussion of the structural integrity, under seismic duress, of possible design/development scenarios,

Solid Waste Quantities

The NOP contains conflicting and confusing waste quantity measurement units (cubic yards and tons). The DEIR (and any permits) for the proposed projects should use consistent units (either volume, or weight) for waste quantity calculations. The DEIR

could also contain the conversion factors used to convert volume to weight, or weight to volume, and should be provided in the solid waste generation study.

Cumulative Impacts

It is important that the DEIR address the cumulative impacts resulting from the individual/proposed project(s) and the combined projects as well as those incremental impacts resulting from the proposed projects' implementation.

Sudden Oak Death

Please be aware that many counties in California, including Contra Costa, are currently undergoing an epidemic of a plant pathogen that is highly destructive to native oaks and many other hardwoods (*Phytophthora ramorum*). Composting facilities can act as dispersal centers for diseases such as this one if appropriate measures are not instituted. If material from an infected county is brought to a composting facility, it may then be transferred to uninfected areas through local sales of compost products. Federal and State regulations restrict the movement of plant materials in infected areas, and recent changes to Title 7 Code of Federal Regulations part 301 (Sections 301-92 through 92-10) specifically address *Phytophthora ramorum*. For further information on this, please see The California Oak Mortality Task Force's website: <http://www.suddenoakdeath.org/>

Emergency Response Preparedness Plan

In the event of an accident, explosion, fire, or the release of hazardous substances due to upset conditions or mechanical malfunctions, an Emergency Response Preparedness Plan should be prepared and available for the facility. Personnel should be properly trained to handle emergencies, including identification, location and use of fire suppression equipment, procedures for evacuation of the premises, and noticing for contacting the appropriate authorities in the event of such an occurrence. ER staff requests that such a plan be briefly described or referenced in the DEIR including the location and response times of the nearest City/County Fire Departments and hospitals. This information can be referenced in supporting documentation. In addition, please describe in the DEIR the security on and around the facility, including fencing, lighting, gates, and access roads.

Proposed Regulations for Compostable Materials

The project applicant and the lead agency should be aware that the CIWMB is in the process of revising the regulations pertaining to composting facilities and the permitting process. The revised regulations are expected to become effective within the next year, and may include changes designed under the CIWMB Tiered Permit Program. ER staff recommends that the lead agency review the draft proposed regulations, and track their progress as this project is developed. The proposed regulations are located on our website at: <http://www.ciwmb.ca.gov/Rulemaking/Organics/>

Please note that the proposed Compost Regulations, Title 114, CCR §17863.4(a) Odor Impact Minimization Plan (OIMP) will require all compostable material handling

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operations and facilities to prepare, implement, and maintain a site-specific OIMP. A complete plan will be a required submittal to the enforcement agency along with the Enforcement Agency Notification or permit application. The entire text for the proposed regulations can be viewed at: <http://www.ciwmb.ca.gov/Rulemaking/Organics/>

Please see complete text of all proposed and current regulations on our website: <http://www.ciwmb.ca.gov/Law.htm>

Mitigation Reporting or Monitoring Program (MRMP)

California PRC §21081.6, states that the lead agency "shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation", and, that the lead agency "shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design."

The MRMP should identify the environmental impacts associated with the proposed project, identify mitigation measures to reduce impacts to a less than significant level, identify agencies responsible for ensuring the implementation of the proposed mitigations, and specify a monitoring/tracking mechanism. The MRMP should also indicate that agencies designated to enforce mitigation measures in the DEIR have reviewed the MRMP and agreed that they have the authority, and means, to accomplish the designated enforcement responsibilities.

The MRMP is required to be made a condition of project approval. ER staff suggests that the final EIR establish enforcement procedures and penalties, as well as develop conflict resolution provisions.

Conclusion

CIWMB ERS staff would like to thank the lead agency for the opportunity to review the proposed project. ERS staff hopes that this comment letter will be useful to the lead agency in carrying out their responsibilities in the CEQA process. Please note that ERS staff may be available to attend consultation meetings and/or workshops planned for the preparation of any Environmental documents.

CIWMB ER staff request copies of any subsequent Environmental documents including, the Draft Environmental Impact Report, the Final Environmental Impact Report, the RFI, any Statements of Overriding Considerations, copies of public notices, and any Notices of

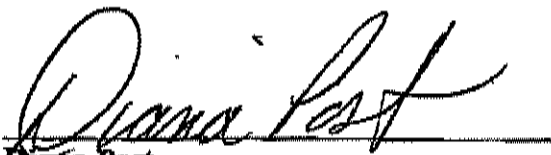
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Determination for this project. As required in Title 14 CCR, §15205(a) of the CEQA Guidelines, a DEIR for review by state agencies shall be submitted to the State Clearinghouse. If the environmental document for this proposed project is certified during a public hearing, ER staff request notice and location of this meeting two weeks in advance. If the document is certified without a public hearing, ER staff request notification two weeks in advance of the date of the certification, and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me by telephone: (916) 341-6727, or e-mail: dpost@ciwmb.ca.gov

Sincerely,



Diana Post
Environmental Review Staff
Permitting and Inspection Branch
Permitting and Enforcement Division
California Integrated Waste Management Board

Copy: Ken Stuart, Director
County of Contra Costa Health Services Dept
Environmental Health Division
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Beatrice Poroli, Integrated Waste Management Specialist
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Mary Madison-Johnson, Supervisor,
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California Integrated Waste Management Board

Christopher Fong, Waste Management Engineer
Permitting and Enforcement Division
Remediation, Closure and Technical Services Branch
Closure and Technical Services Section
California Integrated Waste Management Board

APPENDIX 1E
REPORT PREPARATION

REPORT PREPARATION

A. LEAD AGENCY

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651 Pine Street
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Martinez, CA 94553
(925) 335-1224

Community Development Director: Dennis M. Barry, AICP
Solid Waste Programs Manager: Deidra Dingman
EIR Coordinator: Joel Sabenorio

B. LIST OF CONSULTANTS

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Steven Abrams

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Chuck Henderson

Noise

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Rich Illingworth

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Jim Martin

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Ramin Golesorkhi
Kelly Candra

C. ORGANIZATIONS AND PERSONS CONSULTED

1. State

State Department of Toxic Substances Control, John Papathakis
California Integrated Waste Management Board, Mary Madison, Diana Post
Regional Water Quality Control Board, Cecil Felix
Department of Fish and Game, John Krause

2. County/Regional

Contra Costa County Community Development Department, Steve Goetz,
Roberta Goulart
Contra Costa County Public Works Department, Heather Ballinger
Contra Costa County Environmental Health Department, Lori Braunesreitter,
Agnes Vinluam
Solano County Department of Environmental Health, James Campi
East Bay Regional Park District, Terry Noonan
West Contra Costa Integrated Waste Management Authority, Steve Davine
Association of Bay Area Governments, David Lipsetz, Laura Thompson
Bay Area Air Quality Management District, Carol Allen, Rochelle Walker
Contra Costa Transportation Authority, Martin Engelman
West County Wastewater District, Paul Winnicki, Paul Stovall

3. Cities

City of Richmond Planning Department, Judy Battle, Morty Prisament

4. Others

West County Landfill, Inc., Larry Burch, Jeff Martin
West County Toxics Coalition, Dr. Henry Clark
Port of Oakland, Lynn Cardoza
Questa Engineering Group, Jeff Peters
EMCON/OWT, Inc., Denis Buranek, Nagesh Koragappa
Environmental Stewardship and Planning, Steve Patterson
Trails for Richmond Action Committee, Bruce Beygart, Nancy Stravich,
Whitney Dotson
Moffet/Nichols, Rich Roades
Edgar & Associates, Shawn Edgar
University of California at Berkeley, Professor Jon Bray
Monk Associates, Geoff Monk